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**Cc:** s 47E(d)  
**Subject:** Follow up from Supplementary Budget Estimates hearing 16 October 2012 [SEC=UNCLASSIFIED]  
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Senator Ludlam

During the Supplementary Budget Estimates hearing on 16 October 2012, you asked if the AFP was aware that Telstra were recently logging all 3G users' web access over their mobile network and were sending the information to an overseas server for the development of some kind of new filtering product. In asking this question of the AFP witnesses you noted, there have been suggestions that this behaviour by Telstra was in breach of the *Telecommunications Interception and Access Act 1979* (Cth) and warranted investigation by the Australian Federal Police. The AFP witnesses present at the Senate Estimates hearing explained they were unaware of this allegation.

The AFP sought further detail from your Office following the hearing. You provided some additional material on 18 October 2012 as well as requesting an update as to whether the AFP intends to pursue this issue.

The AFP has searched its PROMIS system and found one referral from a member of the public in relation to this Telstra product. The referral was received on 24 August 2012. The AFP assessed the referral in accordance with its Case Categorisation and Prioritisation Model (CCPM) and decided not to investigate this matter. The complainant sought additional information on the CCPM which was provided to them with the suggestion they take the matter up with the Telecommunications Industry Ombudsman. The AFP does not intend investigating this matter at this time.

In addition, the Privacy Commissioner considered the product at the centre of these concerns and took this up with Telstra. Telstra shut down its "Smart Controls" product as soon as it became aware of concerns that it was potentially collecting the personal information of subscribers and providing that to Netsweeper.

Yours sincerely

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s 22(1)(a)(ii)

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